

Remarks

In view of the above amendments and the following remarks, reconsideration of the rejection and further examination are requested.

Claims 19, 28, 37, 38 and 41 have been amended. Support for these amendments can be found at least at page 27, lines 9-13 of the original specification. New claim 42 is added. Support for claim 42 can be found at least at page 19, line 1 – page 20, line 12 and Figure 8.

Claims 19-41 have been rejected by the Examiner as being anticipated by Sims III (US 2002/0016919).

It is submitted that the above-mentioned rejection is inapplicable to the amended claims for the following reasons.

Claim 19 is patentable over Sims III, since claim 19 recites a playback terminal including, in part:

- a content read unit operable to read encrypted content from a portable medium, the encrypted content being generated by encrypting content using at least medium information pre-recorded on the portable medium and information pre-stored in the playback terminal;

- a communication unit operable to acquire information managed by an external license server when it is judged that the managed information is required, the managed information managed by the external license server being a part of information which is required for the decryption of the encrypted content; and

- a decryption unit operable to (a) decrypt the encrypted content using only the medium information and the information pre-stored in the playback terminal itself, without using the managed information managed by the external license server, when it is judged that the managed information is not required, and (b) decrypt the encrypted content using the managed information acquired from the external license server, the medium information and the information pre-stored in the playback terminal itself, when it is judged that the managed information is required.

In the present invention, as set forth above in claim 19, encrypted content stored on a portable medium is generated by encrypting content using at least medium information and information pre-stored in the playback terminal. A feature of claim 19 is that when it is judged that information managed by the external license server is required to decrypt the encrypted content, the encrypted content cannot be decrypted using only the managed information acquired from the license server. In order to decrypt the encrypted content, the medium information and the

information pre-stored in the playback terminal are required in addition to the managed information acquired from the license server. Therefore, according to claim 19, even if the managed information managed by the external license server is stolen by a third party while being transmitted over a transmission path between the playback terminal and the license server, the encrypted content still cannot be decrypted using only the stolen information. As such, the present invention as recited in claim 19 has the added benefit of preventing malicious use of the content.

On the other hand, Sims III discloses an invention relating to the use of encrypted content stored on a recording medium. In the system of Sims III, there is a first case in which encrypted content is decrypted using information stored on a recording medium, and a second case in which information is acquired from an external server and the encrypted content is decrypted using the acquired information. (See paragraphs [0087] and [0088]).

Sims III discloses that if information from an external source is to be required in order to utilize the content of media 100, the operation of the system proceeds to step 211 wherein a content key is selected at random, or by another appropriate method. The content key of step 211 is provided to a clearing house, or another external agent, in order to provide for the later use of the content of the media 100. Sims III also discloses that the content key is not stored on media 100, thus requiring contact with the clearinghouse for use of the content. Further, Sims III discloses that regardless of whether or not an external source is to be utilized, the content to be stored within an unsecured area 102 on the media 100 may be encrypted with the content key (step 213) and recorded to the media 100 (step 214). (See paragraphs [0088] and [0089]).

Based on the above discussion, it is apparent that the system of Sims III is such that when the encrypted content is encrypted with the content key, and information from the clearing house is required to decrypt the encrypted content, the content key itself is transmitted from the external server to the player. Therefore, with the system of Sims III, the content would be able to be decrypted without authorization by a third party who steals the content key during transmission on the communication path between the player and the external server.

In contrast, as discussed above, the playback terminal as recited in claim 19 has the aforementioned feature that the encrypted content cannot be decrypted using only the managed information acquired from the license server, and to decrypt the encrypted content, the medium information and the information pre-stored in the playback terminal are required in addition to the managed information acquired from the license server. Due to this feature, the playback terminal

of claim 19 has the added benefit of preventing malicious decrypting of the content if the managed information managed by the external license server is stolen by a third party during transmission over the transmission path between the playback terminal and the license server. This benefit is not realized with the invention of Sims III. As a result, claim 19 is patentable over Sims III.

As for claim 28 and 37, they are patentable over Sims III for reasons similar to those discussed above in support of claim 19.

Because of the above-mentioned distinctions, it is believed clear that claims 19-42 are allowable over the references relied upon in the rejections. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 19-42. Therefore, it is submitted that claims 19-42 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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January 26, 2009